

**INTRODUCTORY LOCAL LAW “C” OF 2023  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Introduced by Supervisors Skellie, Rozell, Haff, O’Brien, Shaw, Wilson, Fisher

**A LOCAL LAW REGULATING SEWER USE FOR THE COUNTY OF WASHINGTON  
SEWER DISTRICTS NUMBERS 1 AND 2**

*Be it enacted by the Board of Supervisors of the County of Washington as follows:*

**ARTICLE 1. Short Title and Purpose**

**Section 101 - Short Title** For brevity and ease of communication, this Local Law may be cited as the Washington County Sewer District (hereinafter collectively referred to as “District”) Sewer Use Law.

**Section 102 - General Purpose & Application** The general purpose and application of this Local Law is to provide for efficient, economic, environmentally safe, and legal operation of the POTW. This Local Law shall be applicable to any user located in or connected to WCSD #1 or WCSD #2. To the extent that users located in WCSD #1 ultimately discharge flow to the Town of Queensbury wastewater conveyance system, which then ultimately discharges flow to the City of Glens Falls POTW, this Local Law shall be interpreted and apply to such flow from any user in the WCSD #1, with any reference to the POTW to be interpreted to mean the City of Glens Falls POTW and Queensbury wastewater conveyance system.

**Section 103 - Specific Purposes** The specific purposes of this Local Law are the following:

(1) To prevent the introduction of substances into the POTW that will:

1. interfere with the POTW in any way,
2. pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,
3. increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals,
4. endanger municipal employees,
5. cause air pollution, or groundwater pollution, directly or indirectly,
6. cause, directly or indirectly, any public nuisance condition.

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(3) To assure that new sewers and connections are properly constructed.

(4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

**Section 104 - Replacement of Previous Sewer Use Law** This Local Law shall supersede and replace in its entirety any prior local law or ordinance concerning sanitary

sewer usage in the WCSD #1 or WCSD #2, including without limitation Local Law 4 of 1989 and Local Law 1 of 1990.

## **ARTICLE 2. Definitions**

**Section 201 - Defined Terms** Unless otherwise stated in the section where the term is used in this Local Law, the meaning of terms used in this Local Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Abnormal Sewage** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

**Act or "THE ACT"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

**Administrator** - The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

**Ammonia** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

**Applicant** - That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

**Approval Authority** - The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

**Approved Laboratory Procedure** – The procedures defined as ‘Standard Methods’ in this article, or other procedures approved by the executive director, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

**Authorized Representative of the Industrial User** - An authorized representative of the industrial user may be: a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**BOD, denoting Biochemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**Builder** - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

**Building Drain** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which conveys flow to the sanitary sewer.

**Cleanout** – An accessible opening point in a building lateral used for accessing and cleaning a building lateral, and such other uses as the district may require.

**COD, denoting Chemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

**Color** – The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**Commissioners** - The board appointed by the county board to oversee operations of the district in accordance with the County Law of the State of New York.

**Composite Sample** - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

**Connection** - Attachment of one user to a sewer. (See Extension)

**Connection Charge (Tap Fee)** - The one-time application fee to offset District expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

**Control Authority** – The term shall refer to “Approval Authority”, or to the executive director when the district has an approved pretreatment program under the provisions of 40 CFR 403.11.

**Control Manhole** – A manhole accessible to the control authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**Conventional Pollutant** - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Local Law.

**County** – Washington County, New York, a municipal corporation formed under the laws of the State of New York.

**County Board** – Board of Supervisors of the County.

**Direct Discharge** - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**District** - Special districts formed by the County Board under the County Law of the State of New York, consisting of WCSD #1, WCSD #2, provided that District may also herein refer to the City of Glens Falls and/or the Town of Queensbury where such user is located in or connected to WCSD #1.

**Domestic Wastes** - see Sewage, Domestic.

**Dry Sewers** - The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

**End of Pipe** - For the purpose of determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

**End of Pipe Concentration** - The concentration of a substance in a sample of wastewater at end of pipe.

**End of Process Concentration** - see National Categorical Pretreatment Standard.

**Easement** - An acquired legal right for the specific use of land owned by others.

**EPA, USEPA, or U.S. Environmental Protection Agency** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this agency.

**Executive Director** - That individual nominated by the commissioners and confirmed by the county board as the executive director of WCSD #2. Such an individual shall be qualified to oversee wastewater treatment and distribution and POTW operations. This definition shall also include his authorized deputy, agent, or representative.

**Extension** - Attachment of a sewer line, with more than one user, to an existing sewer line.

**Facility** - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

**Floatable Oil** - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

**Flow Rate** - The quantity of liquid or waste that flows in a certain period of time.

**Garbage** - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

**Grab Sample** - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

**ICS Form** - The form used by the NYSDEC to survey industries to perform and update the ICS.

**Indirect Discharge** - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge).

**Industrial** - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

**Industrial Chemical Survey (ICS)** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**Industrial User** - See User, Industrial.

**Industrial Wastes** - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

**Infiltration** - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

**Inflow** - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**Interference** - A discharge which, alone or in conjunction with discharges by other sources,

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore is a cause of a violation of any requirement of the SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

i - Section 405 of the Clean Water Act,

ii - the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),

iii - Clean Air Act,

iv - Toxic Substance Control Act, and

v - Marine Protection Research and Sanctuaries Act.

**Lateral, Building** - The sewer extension from the building drain to the cleanout at the street lateral or other place of wastewater disposal.

**Lateral, Street** - The sewer extension from the public sewer to the cleanout in the building lateral at or near the property line.

**National Categorical Pretreatment Standard, or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

**New Source** - Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307 (C) (33 U.S.C 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated.

**Normal Sewage** - see Sewage, Normal.

**Nuisance** - The use, or lack of use, of the POTW in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the POTW.

**Oil and Grease** – The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

**Other Wastes** - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

**Owner** - An individual or entity who is the deeded title holder of real property located within or connected to the district, as shown on the deed or tax records of the county.

**Pass Through** - The discharge which exits the POTW into waters of the State in quantities, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**Permit** – A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Local Law.

**Person** - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

**pH** - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

**Phosphorus, total** - See total phosphorus.

**Pollutant** - Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**Pollution** - The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the State's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**Pretreatment (Treatment)** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into

a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

**Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**Pretreatment Standard or National Pretreatment Standard** -Any categorical standard or prohibitive discharge standard.

**Priority Pollutants** - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**Prohibitive Discharge Standard** - see National Prohibitive Discharge Standard.

**Properly Shredded Garbage** - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**Receiving Waters** - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

**Records** - Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

**Roof Drain** - A drain installed to receive water collecting on the surface of a roof for disposal.

**Septage** - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

**Septic Tank** - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements.

**Service Area of the POTW** - The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered,

changed, modified, reduced, enlarged, combined, or consolidated by action of the commissioners and the county board.

**Sewage** – A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered “sewage”, within the meaning of this definition.

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary.)

**Sewage, Normal** - Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- B.O.D. (Five Day) - 1585 lbs. per million gallons (190 milligrams per liter), or less.
- Suspended Solids - 1668 lbs. per million gallons (200 milligrams per liter), or less.
- Phosphorus - 42 lbs. per million gallons (5 milligrams per liter), or less
- Ammonia - 208 lbs. per million gallons (25 milligrams per liter), or less.
- Total Nitrogen - 334 lbs. per million (40 milligrams per liter), or less.
- Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- Oil and Grease - 750 lbs. per million gallons (90 milligrams per liter), or less
- pH range of 6.0 to 9.0

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage. In addition, the Town reserves the right to require more stringent standards if the sewage causes any nuisance or interference with the POTW.

**Sewage, Sanitary** - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes.)

**Sewage, Unusual Strength or Character** - Sewage which has characteristics greater than those of normal sewage and /or which contains substances of concern.

**Sewer** - A pipe or conduit for carrying or transporting sewage.

**Sewer, Combined** - A sewer designed to receive and transport both surface runoff and sewage.

**Sewer, Public** - A sewer in which all abutting owners have equal rights, and the use of which is controlled by the district.

**Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewerage System** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

**Sewerage Surcharge** - The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

**Significant Industrial User** - see User, Significant Industrial.

**Significant Non-Compliance (SNC)** - A user is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
  - Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the executive director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the executive director's exercise of its emergency authority under Article 11 of this Local Law;
  - Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - Failure to report accurately any non-compliance;
  - Any other violation which the executive director determines will adversely affect the implementation or operation of the local pretreatment program.

**Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

**Standard Industrial Classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**Standard Methods** - Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Executive Director, whichever is the most conservative.

**State** - State of New York.

**State's Waters** - See Waters of the State.

**Storm Water** - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**Sump Pump** - A mechanism used for removing water from a sump or wet well.

**Suspended Solids** - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

**Toxic Substances** - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**User** - Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

**User, Industrial** - A discharger to the POTW who discharges non-domestic wastewaters.

**User, Significant Industrial (SIU)** - An industrial user of the District POTW who is:

- Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the POTW treatment plant, the pollutant is not detectable.

**Volume Charge (User Charge)** - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article 12). The volume charge shall be based on a specific cost per 100 cubic feet or per 1,000 gallons. The specific charge shall be subject to approval by the commissioners and county board as part of usual and customary budgetary processes. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW. The basis of volume charge calculations shall be made available to the public, on demand, as provided in Article 13. The volume charge shall be recalculated annually, as well as the surcharge rates.

**Wastewater** - The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater Discharge Permit** - A permit as set forth in Article 10 of this Local Law.

**Wastewater, Unusual Strength or Character** - see Sewage, Unusual Strength or Character.

**Waters of the State (State's Waters)** - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**WCSD #1-** A special district providing sanitary sewer service and formed under the County Law of the State of New York located in the Town of Kingsbury, County of Washington, State of New York, as shown on applicable records of the County of Washington.

**WCSD #2-** A special district providing sanitary sewer service and formed under the County Law of the State of New York located in the Towns of Fort Edward and Kingsbury and Villages of Fort Edward and Hudson Falls, County of Washington, State of New York, as shown on applicable records of the County of Washington.

**Publicly Owned Treatment Works (POTW)** - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned by the County of Washington on behalf of and for the benefit of the Washington County Sewer District No. 2, a special district formed pursuant to the County Law of the State of New York, except that for users discharging flow in Washington County Sewer District No. 1, in which case the POTW shall mean the respective City of Glens Falls and Town of Queensbury owned POTW. This definition, in both instances, includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment. This definition also includes treatment works commonly known as, or referred to in relevant laws, rules or regulations, as a publicly owned treatment works.

**POTW Treatment Plant** - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

**Section 202 - Undefined Terms** - Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

### **ARTICLE 3. Use of Public Sewers Required**

**Section 301 - Waste Disposal Unlawful** It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the geographic bounds of Washington County Sewer District No. 1 or Washington County Sewer District No. 2, or connected to and discharging flow to either such district, or in any area under the jurisdiction of the said municipality, any human or animal excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

**Section 302 - Connecting Private Sewage system to Storm Sewer Unlawful** No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

**Section 303 - Discharge of Sewage into Well Prohibited** No person shall discharge sewage into a well.

**Section 304 - Wastewater Discharge Unlawful** It shall be unlawful to discharge to any natural outlet, within the district, or in any area under the jurisdiction of the district, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Local Law.

**Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available** No owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Local Law, is available. All housing construction or building development which takes place after this Local Law is enacted shall provide for an approved system of sanitary sewers.

**Section 306 - Private Wastewater Disposal Unlawful** Except as hereinafter provided, it shall be unlawful to construct or maintain within the district any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater.

**Section 307 - Connection to Public Sewer Required** The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line.

**Section 308 - Limitation on Use of Public Sewers** The use of the district public sewers shall be strictly limited and restricted, except as provided in Section 307, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the POTW.

**Section 309 - Wastewater from Outside the POTW Service Area - Inter-municipal Agreements** The commissioners, as may be approved by the county board, on the recommendation of the executive director, shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a sewer use law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Local Law.

If the person is not a municipality the acceptance shall be made only with the expressed written consent of the executive director upon approval by the commissioners (the issuance of a permit) setting forth the terms and conditions of such a acceptance.

**Section 310 - Moratorium** At the recommendation of the executive director, who determines that:

- one or more segments of the POTW is exceeding its hydraulic capacity at any time
- any specific purpose of this Local Law is being violated

The commissioners shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

- construction of new facilities
- enlarging existing facilities
- correction of inflow and infiltration
- cleaning and repairing of existing facilities

**Section 311 - Basis of Sewer Use Requirement** All requirements, directives, and orders calling for mandatory use of the sewers, within the service area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the commissioners, county board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

**ARTICLE 4. Private Wastewater Disposal**

**Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required** Where a public sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, or if applicable NYSDEC, and in accordance with any other local laws, rules or regulations. For purposes of this Article, a public sewer shall be deemed available if any portion of the POTW is located within one hundred fifty (150) feet of the property line of the property with the property being the entire property as of the date of this Local Law and not any subdivided portion thereof. Any such allowance for private wastewater disposal shall be as approved by the commissioners upon recommendation from the executive director.

**Section 402 – Failed Septic System** The district or the applicable jurisdictional authority for a private wastewater disposal may require connection to the district regardless of distance set forth in Section 304 and Section 401, due to soil content or where a private wastewater disposal has or is failing.

**Section 403 - Direct Connection to New Public Sewers Required** At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this Local Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

**Section 404 - Additional Requirements** No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the executive director to protect public health and public welfare.

## **ARTICLE 5 Design**

**§501 - Proper Design** New sanitary sewers and all extensions, replacement connections and repair connections to sanitary sewers owned and operated by the district shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC, and approved in advance by the executive director. The commissioners or the county board may require extensions to any existing, or formation of any new, sewer district as part of any new sanitary sewer not located within the service area of the POTW. The cost thereof shall be borne by the applicant or group seeking extension in accordance with applicable law. Plans and specifications shall be submitted to, and written approval shall be obtained from the executive director, the applicable local Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area. If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the commissioners.

**§502 - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting** When an owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation and inspection shall be subject to the approval of the executive director. Said owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other district expenses incidental thereto. Each street lateral shall be installed and inspected by the executive director or his or her designee, and inspection fees shall be paid by the applicant prior to initiating construction. The installation of the sewer shall be subject to periodic inspection by the executive director or his or her designee, without prior notice. The executive director shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval) before any building lateral is connected thereto. The executive director shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the commissioners until such construction inspections have been made so as to assure the commissioners of compliance with this Local Law and any amendments or additions thereto. The executive director has the

authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The executive director shall report all findings of inspections and tests to the commissioners.

**§503 - Cleanout Installation**

Cleanouts for building laterals and low-pressure sewers shall be placed at intervals as may be approved by the executive director based on the specific plans and specifications submitted by an applicant. The design of the cleanouts shall be as approved by the executive director, provided that location of cleanouts shall be located so as to not interfere with water lines and shall be located on the building/private property side of sidewalks. Any replacement of sidewalks shall be the obligation of the owner.

**§504 - Manholes and Manhole Installation**

Design of all manholes shall be submitted to and approved by the executive director and shall receive approval prior to placement.

**§505 - Infiltration/Exfiltration Testing**

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy the executive director as to infiltration and exfiltration prior to acceptance by or dedication to the district of any infrastructure.

**§506 - Final Acceptance and Warranty/Surety**

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the executive director, and concurrence by the commissioners, shall become the property of the district, and shall thereafter be operated and maintained by the district. No sanitary sewer shall be accepted by the district until four (4) copies of as-built drawings have been so filed with the executive director and the executive director has approved the submitted drawings. Said sewers, after their acceptance by the district, shall be guaranteed against defects in materials or workmanship for a period not to exceed three (3) years as may be determined by the executive director. The guarantee shall be in such form and contain such provision as deemed necessary by the executive director, secured by a surety bond or such other security as the executive director may approve. All laterals from the cleanout to the structure and within any structure shall remain the property of the owner of said property, and the upkeep and maintenance from the cleanout to the structure shall remain the responsibility of the owner.

**§507 – Work within Right of Way.** The district shall perform any connection work within the district's right of way, at the cost and expenses of the owner, builder, or developer who proposes to construct sanitary sewers or extensions.

**ARTICLE 6 Building Laterals, Street Laterals Connections, and Fees**

**§601 A - Permit Required for Sewer Connections**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, disconnect or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the executive director. An application on such forms as the executive director may require and amend shall be submitted together with such fees as the commissioners may by resolution require.

#### **§601 B - Inflow/Infiltration Prohibited**

No person shall discharge or cause to be discharged any storm, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains, roof drains, and sump pumps shall not be connected to any sanitary sewer. The district reserves the right to terminate, at the owner's expense, or require the owner to terminate at its expense, any swimming pool drains, roof drains, sump pumps or any other connections that discharge storm, cooling water or unpolluted industrial waters to any sanitary sewer. Any disconnections must be to the satisfaction of the executive director and shall include provision for prevention of inflow and infiltration as the executive director may determine based on the specific facts and circumstances of the property.

#### **§602 - Sewer Lateral Permits**

There shall be two classes of sewer lateral permits:

- For residential, commercial, and institutional service,
- For service to establishments producing industrial wastes.

In either case, a permit application shall be submitted to the executive director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the executive director. A fee, for residential, commercial, institutional and industrial users, as established by the commissioners, shall accompany the application. Connections to existing manholes shall be made as directed by the executive director.

#### **§603 A - New Building Laterals**

A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building. The fact that it may be cheaper to connect through the front building shall not be a factor in considering ability to separately connect the sanitary service to the back building. New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the executive director has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be:

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors. All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the executive director. No new manholes shall be constructed on the portion of the lateral under the building.

### **§603 B - Laterals Serving Several Buildings**

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment and as may be approved by the executive director.

### **§603 C - Laterals Serving Complexes**

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole. The executive director shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer and the lateral connection made and tested as directed by the executive director. Plans and specifications shall be prepared and submitted for approval pursuant to this Local Law.

### **§603 D - Dry Sewers**

Dry Sewers shall be designed and installed in accordance to this Local Law.

### **§604 - Using Existing Building Laterals**

Existing building laterals may be used in connection with new buildings only when they are found, on examination by the executive director, to meet all requirements of this Local Law.

### **§605 - Lateral Pipe Connections**

Building and street lateral pipe materials shall be as approved by the executive director. The street lateral shall include a full port curb stop with flow-through diameter equal to that of the lateral. A curb box/clean-out shall be installed. All new and any repair or replacement to any existing lateral shall include a clean-out on the serviced property. Where sidewalks are located along the property, the clean-out shall be on the structure side of the sidewalk (i.e., not on the street side). The district shall construct, at the owner or applicant's expense, all points of connection of a lateral to a main sewer. Laterals installed for future development shall be fitted with a standard plug approved for use by the executive director. All sewer connections shall be via a properly installed saddle on the main sewer pipe as approved for use by the executive director and installed by the district at the applicant's expense. All joints and connections shall be made watertight and shall be as approved by the executive director. The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by a suitable testing method upon the prior written approval of the executive director. The executive director may require as-builts for any connections to the Sewerage System.

### **§606 - Special Manhole Requirements**

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the executive director, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The executive director shall determine if and where this type of connection to

the public sewer is required. Connections to existing manholes shall be made as directed by the executive director. The executive director may require that any such manhole be installed by the district at the applicant's expense, or, may require the applicant to install such manhole, and shall require a bond for the proper completion of any such installation.

### **§607 - Sewage Lifting**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the executive director.

### **§608 A - Building Lateral/Street Lateral Connection**

(1) The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under Section 502, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by the district, at the owner's expense and shall include a properly sealed and covered clean-out to grade located at the property line.

(2) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

(3) The owner shall indemnify the district from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.

(4) It shall be the responsibility of the owner to maintain, repair, or replace the building lateral, as needed.

(5) The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the executive director. After installation of the street lateral has been approved by the executive director, the new street lateral from the sewer main to the clean out at the property line shall become the property of the district. Any subsequent repairs to the new street laterals from the sewer main to the cleanout at the property line shall be made by the district at the district's expense, unless such repairs are caused by the owner or tenant of the property. Repairs from the property line to the building shall be made by an appropriate contractor at the owner's expense.

### **§609 B - Cleanout Repair/Replacement**

If, in the judgment of the executive director, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the district may install a clean-out at the property line, at the owner's expense, such that the street lateral can be maintained independently of the building lateral.

### **§609 C - Street Lateral Replacement; Ownership**

Any existing street lateral which, upon examination by the executive director, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral from the sewer main to the property

line shall be constructed by the district at the owner's expense. The cost of constructing the replacement street lateral from the property line and clean-out to the building shall be at the owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the executive director, the portion of the new street lateral from the clean-out to and into the building shall remain the property and responsibility of the owner, and the portion of the new street lateral from the clean-out to the sewer main shall become the property of the district. Any further repairs to new street laterals from the building to the clean-out shall be made by the owner at the owner's expense, and any repairs to the new street laterals from the clean-out to the sewer main shall be made by the district at the applicable sewer district's expense.

#### **§610 A - Connection Inspection**

The applicant for the building lateral permit shall notify the executive director when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the executive director.

#### **§610 B - Trench Inspections**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes, such trenches shall be inspected by the executive director. Before the trenches are backfilled, the person performing such work shall notify the executive director when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the executive director.

#### **§611 - Public Safety Provisions Required; Restoration of Disturbed Areas**

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, highways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the local municipality having ownership and jurisdiction over such streets, sidewalks, highways or other public property and if not, then the executive director. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling, compaction and surfacing as may be required by local municipality having ownership and jurisdiction over such streets, sidewalks, highways or other public property and if not, then the executive director.

#### **§612 - Interior Clean-Out**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall in such form as may be approved by the executive director.

#### **§613 - Costs Borne by Owner**

All costs associated with the provisions of this Article shall be borne by the owner unless specifically agreed to in writing to be a cost borne by the district. The owner shall indemnify the district from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances. The district may require all such costs to be paid in advance, or an

appropriate bond acceptable to the district to be filed with the district in advance of any work hereunder.

#### **§614 – Standard Equipment, General Requirements**

Notwithstanding any provision of this Local Law to the contrary, the commissioners hereby adopts, and may from time to time update or replace, the following standard equipment and materials for any connection to public sewers:

- a. Gravity sewer and laterals: SDR 35 PVC gravity pipe and fittings;
- b. minimum 23.5” – 25.5” covers for manholes;

The Executive Director is empowered to review plans and specifications for the foregoing and to permit substitutions or equivalents based on his or her review of the particular facts and circumstances of an application and upon recommendation from the district's engineer.

### **ARTICLE 7 Inflow**

**§701 - New Inflow Sources Prohibited** No connections shall be made to a sanitary or to a combined sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges, or other sources of inflow.

#### **§702 - Existing Inflow Sources Disconnected**

Where, in the opinion of the executive director, sufficient natural drainage or alternative disposal is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the executive director. The executive director shall have the authority inspect any property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.

**§704 - No Re-connection of Inflow Source Allowed** It shall be a willful violation of this Local Law for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

#### **§705 - Charges for Inflow**

The executive director is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article 12, however, the commissioners may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

### **ARTICLE 8 Trucked Or Hauled Waste**

#### **§801 - Licenses and Application**

Except for Users located within or discharging to WCSD #1 where no such trucked or hauled waste discharge shall be permitted and therefore this Article 8 shall not permit any

such discharge to WCSO #1, the discharge of trucked or hauled wastes into the district sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the executive director. Applicants for such license shall apply on a form provided by the executive director. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage or sludge volume expected, service area, and any other information that the executive director may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the commissioners. The licensee of trucked or hauled wastes will also be charged a fee for each dumping as prescribed by the commissioners.

### **§802 - Concurrent Requirements**

The applicant for a license to truck or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the executive director, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the executive director, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the executive director for willful, continued, or persistent violation thereof.

### **§803 - Dumping Location and Timing**

The executive director may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week, or seasons of the year as shall be stated on said license or as may be relocated by the executive director, after appropriate notice. The time and conditions for permissible discharge shall be as set forth on the license, or as may be revised by the executive director, after appropriate notice.

### **§804 - Notification of Dumping**

Each discharge of trucked or hauled wastes shall be made only with the approval of the executive director. The executive director may require inspection, sampling, and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling, and analysis shall be paid by the licensee.

## **ARTICLE 9 Discharge Restrictions**

### **§901 - Pretreatment Standards**

All users of the POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 403, 406 - 471.

## **§902 - General Prohibitions**

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards, or any other national, state, or local pretreatment standards or requirements.

Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

- (1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the District, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.
- (3) Any wastewater having a pH less than 6.0 or greater than 9.0, unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.
- (5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- (6) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are

cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, for WCSD#2 in excess of 100 mg/l and for WCSD #1 in excess of 50mg/l or in amounts that will cause interference or pass through.

- (7) Any wastewater which will cause interference or pass through.
- (8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, paints, solvents, and vegetable tanning solutions.
- (9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The executive director may prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.
- (10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- (11) Any wastewater containing any radioactive wastes except as approved by the executive director, and in compliance with applicable State and Federal regulations.
- (12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.
- (14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (15) Any elemental mercury or mercury in any form.

### **§903 - Concentration Based Limitations**

- (1) No person shall discharge, directly or indirectly, into the POTW, wastewater containing any substances in concentrations in excess of the lesser of five percent (5%) of that contained in the SPDES permit for the POTW or such concentration that would cause the district to exceed its applicable SPDES permit either singularly or cumulatively with any other users of the POTW. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations). The executive director may amend such discharge limits due the needs of and requirements on the POTW, which any user may appeal to the commissioners within thirty (30) days of initial issuance of any notice from the executive director.
- (2) For any User located in or connected to WCSD #1, no such User may discharge any of the materials set forth in Appendix A to the POTW in excess of the concentration set forth in such Appendix A.

### **§904 - Mass Discharge Based Limitations**

At no time shall the influent to the POTW contain quantities in excess of the lesser of five percent (5%) of that contained in the SPDES permit for the POTW or such quantity that

would cause the district to exceed its applicable SPDES permit either singularly or cumulatively with any other users of the POTW. Quantity limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations).

In addition, in the event the district receives an application from a significant industrial user, the executive director shall determine the total allowable influent load of each substance that may be discharged from all significant industrial users. In determining the total load of each substance that significant industrial users shall be allowed to discharge, the executive director shall consider:

- (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater;
- (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable;
- (3) historical discharge trends;
- (4) past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;
- (5) potential for growth in the POTW service area;
- (6) potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method, and
- (7) treatability of the substance.

The executive director shall apply a minimum 15 % safety factor to be protective of the POTW. To assure that the total loads so calculated, for each substance, are not violated, the executive director shall issue permits to significant industrial users limiting discharge loads. Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under section 903.

#### **§905 - Modification of Limitations**

Limitations on wastewater strength or mass discharge contained in this Local Law may be supplemented with more stringent limitations when, in the opinion of the executive director:

- (1) The limitations in this Local Law are not sufficient to protect the POTW,
- (2) The limitations in this Local Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the SPDES permit,
- (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the district desires, as a result of discharge of wastewaters at the above prescribed concentration limitations,
- (4) Municipal employees or the public will be endangered,
- (5) Air pollution and/or groundwater pollution will be caused; or
- (6) for Flow to the Town of Queensbury and the City of Glens Falls, limitations from either or both the Town of Queensbury and/or the City of Glens Falls may be more restrictive than those set forth in this Local Law.

The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the commissioners. This Local Law shall then be amended appropriately. Any

issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

#### **§906 - Access to User's Records**

The executive director shall have the authority to copy any record related to wastewater discharges to the POTW.

#### **§907 – Dilution**

Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard. Dilution flow shall be considered to be inflow.

#### **§908 - Grease, Oil, and Sand Interceptors**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the executive director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances. All interceptors shall be of type and capacity approved by the executive director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense, and such proof of inspection, cleaning and repair shall be reported annually to the executive director by the owner.

#### **§909 – Mercury Minimization**

Notwithstanding any provision of this Local Law to the contrary, any user discharging any elemental mercury to the POTW shall be deemed an industrial user subject to permit under Article 10 of this Local Law. Pursuant to 6 NYCRR §674-4, as same may be amended, and 40 CFR §441.30(b), as same may be amended, any user engaged in the practice of dentistry shall file, keep updated and refile as necessary, an Amalgam Waste Compliance Report for Dental Dischargers, and shall comply with all New York State and/or United States laws, rules and regulations concerning the use and discharge of mercury. All such users shall be subject to annual compliance and inspection by the Executive Director for compliance.

#### **§910 - Solid Waste Grinders**

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the POTW treatment plant.

#### **§911 - Rejection of Wastewater**

The commissioners may reject a user's wastewater, on recommendation of the executive director, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard.

## **ARTICLE 10 Discharge Permits And Pretreatment Requirements**

### **§1001 - Wastewater Discharge Reports**

As a means of determining compliance with this Local Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user, and such other users as the executive director may identify, shall be required to notify the executive director of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the executive director. The executive director may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the executive director deems necessary. All information shall be furnished by the user in complete cooperation with the executive director.

### **§1002 - Notification to Industrial Users**

The executive director shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA. The failure of the executive director to issue such notification shall not be a defense to any noncompliance with this local law.

### **§1003 A - Wastewater Discharges**

No significant industrial user or other user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the executive director, and for discharges to the Town of Queensbury or the City of Glens Falls, a permit may be required from the City of Glens Falls. Significant industrial users and industrial shall comply fully with the terms and conditions of their permits in addition to the provisions of this Local Law. Violation of a permit term or condition is deemed a violation of this Local Law.

### **§1003 B - Wastewater Discharge Permits Required For Significant Industrial Users**

All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within 30 days after the effective date of this Local Law, and shall obtain such a permit within 90 days after making application.

### **§1003 C - Other Industrial Users**

The executive director may issue wastewater discharge permits to other industrial users of the POTW.

### **§1004 A - Application for Wastewater Discharge Permits**

Industrial users required to obtain a wastewater discharge permit shall complete and file with the executive director an application in the form prescribed by the district, the application shall be accompanied by a fee, as set by the commissioners by resolution. This shall include industrial users in operation and discharging to the public sewer system

as of the adoption of this local law. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address);
- (2) SIC code of both the industry and any categorical processes;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 10 of this Local Law and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with standard methods;
- (4) Time and duration of the discharge.
- (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (8) Each product produced by type, amount, process or processes, and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.
- (12) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
  - b. No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.
  - c. No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the executive director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the

reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the executive director.

- d. Any other information as may be deemed by the executive director to be necessary to evaluate the permit application.

The executive director will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the district may issue a wastewater discharge permit subject to terms and conditions provided herein.

#### **§1004 B - Permit Modifications**

Wastewater discharge permits may be modified by the executive director, upon 30 days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable national categorical pretreatment standard,
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
- (3) Changes in general discharge prohibitions and local limits as per Section 905 of this law,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the POTW,
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### **§1004 C - Permit Conditions**

Wastewater discharge permits shall be expressly subject to all the provisions of this Local Law, and all other applicable regulations, user charges and fees established by the district. Permits may contain the following:

- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
- (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (6) Compliance schedules
- (7) Requirements for submission of technical reports or discharge reports

- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the district, and affording the executive director access thereto.
- (9) Requirements for notification of the district of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (10) Requirements for the notification of the district of any change in the manufacturing and/or pretreatment process used by the permittee.
- (11) Requirements for notification of excessive, accidental, or slug discharges.
- (12) Other conditions as deemed appropriate by the district to ensure compliance with this Local Law, and State and Federal laws, rules, and regulations.

#### **§1004 D - Permit Duration**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### **§1004 E - Permit Reissuance**

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the executive director, during the term of the permit, as limitations or requirements, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a).

#### **§1004 F - Permit Transfer**

Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

#### **§1004 G - Permit Revocation**

Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the executive director timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

#### **§1004 H - Public Notification**

The district will publish, at the user's expense, in the district official daily newspaper(s), informal notice of intent to issue a wastewater discharge permit, at least 14 days prior to issuance.

#### **§1005 - Reporting Requirements for Permittee**

The reports or documents required to be submitted or maintained under this section shall be subject to:

- (1) The provisions of 18 USC Section 1001 relating to fraud and false statements;

- (2) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (3) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.
- (4) Baseline Monitoring Report. Within 180 days after promulgation of an applicable federal categorical pretreatment standard, a user subject to that standard shall submit, to the executive director, the information required by paragraphs (8) and (9) of Section 1004 A.
- (5) 90-Day Compliance Report. Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new user or new or different discharge from a user, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the executive director, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Industrial user, and certified to by a qualified professional.
- (6) Periodic Compliance Reports
  - a. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the executive director, during the months of June and December, unless required more frequently in the pretreatment standard or by the executive director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the executive director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the executive director may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.
  - b. The executive director may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (6)
    - (a) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by

the executive director, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with standard methods, by a laboratory certified by NYSDOH to perform the analyses.

- (7) Violation Report. If sampling, performed by the user, indicates a violation of this law and/or the user's discharge permit, the user shall notify the executive director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the executive director within 30 days after becoming aware of the violation. The user is not required to re-sample if the POTW performs monitoring of the user's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the user's initial sampling and when the user receives the results of this sampling.
- (8) Other reports. The executive director may impose reporting requirements equivalent to the requirements imposed by Section 1005(6) for users not subject to pretreatment standards.

#### **§1006 - Flow Equalization**

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the executive director. A wastewater discharge permit may be issued solely for flow equalization.

#### **§1007 - Monitoring Stations (Control Manholes)**

- (1) All significant industrial users, and other industrial users whose industrial waste discharge as caused or may cause interference or pass-through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- (2) If there is more than one street lateral serving an industrial user, the executive director may require the installation of a control manhole on each lateral.
- (3) The executive director may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the executive director, or his designated representative.

### **§1008 - Proper Design and Maintenance of Facilities and Monitoring Stations**

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization, or monitoring facilities at the time this Local Law is enacted, the executive director may approve or disapprove the adequacy of such facilities. Where the executive director disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the executive director. Construction of new or upgraded facilities shall not commence until written approval of the executive director has been obtained.

### **§1009 - Vandalism, Tampering with Measuring Devices**

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- i - any structure, appurtenance, or equipment which is a part of the POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Local Law except as approved by the executive director.

### **§1010 - Sampling and Analysis**

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Local Law shall be carried out in accordance with standard methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

### **§1011 - Accidental Discharges; SPCC Plan**

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Local Law or of an industrial wastewater discharge permit. Users shall immediately notify the executive director of the discharge of wastes in violation of this Local Law or any permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the executive director to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed

written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the executive director shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the executive director, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the executive director, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any national prohibitive discharge standard;
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### **§1012 - Posting Notices**

In order that the industrial user's employees be informed of the district requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the district requirements and whom to call in case of an accidental discharge in violation of this Local Law.

### **§1013 - Sample Splitting**

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the district representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the district for its own analysis.

### **§1014 - Access to Premises**

The Executive director, or his or her designee, bearing proper credentials and identification, shall be permitted to enter all private premises through which the district holds an easement or where a permit has been issued under this Local law, for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the district public sewer system lying within the easement.

### **§1015 - Special Agreements**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the district and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the commissioners shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the district for wastewater conveyance and treatment, and sludge management and disposal

No discharge which violates the federal pretreatment standards will be allowed under the terms of such special agreements.

No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the district before the agreement is entered into. The commissioners may condition the agreement.

### **§1016 - Costs Borne by Owner**

All costs associated with the provisions of this Article, including those of any outside consultants deemed necessary by the executive director in the review of, evaluation of or enforcement against any user under this Article, shall be borne by the owner unless specifically stated or agreed to be a cost borne by the district. The owner shall indemnify the district from any loss or damage arising from the actions, inactions or omissions by the owner. The district may require all such costs to be paid in advance.

## **ARTICLE 11 Enforcement and Penalties, Administrative Remedies**

### **§1101 – Investigation and Notification of Violation**

The executive director or his or her designee may enter any premises discharging to the POTW for purposes of determining compliance with this Local Law. Whenever the executive director finds that any user has violated or is violating this Local Law, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this law, the executive director may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the executive director mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the executive director, by the user. The correction and prevention plan shall include specific actions. submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

### **§1102 - Consent Orders**

The executive director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user

responsible for the noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order.

### **§1103 - Administrative or Compliance Orders**

When the executive director finds that a user has violated or continues to violate this law or a permit or administrative order issued thereunder, he may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The user may, within fifteen (15) calendar days of receipt of such order, petition the executive director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the executive director by registered mail. The executive director shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with Section 1108 and may as part of the show cause notice request the user to supply additional information.

### **§1104 - Administrative Fines**

Notwithstanding any other section of this Local Law, any user who is found to have violated any provision of this Local Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The user may, within fifteen (15) calendar days of notification of the executive director's notice of such fine, petition the executive director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the executive director by registered mail. The executive director shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with Section 1108 and may as part of the show cause notice request the user to supply additional information.

### **§1105 - Cease and Desist Orders**

When the executive director finds that a user has violated or continues to violate this law or any permit or administrative order issued hereunder, the executive director may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The user may, within fifteen (15) calendar days of the date the executive director mails notification of such order, petition the executive director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the executive director by registered mail. The executive director shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Order the petitioner to show cause in accordance with Section 1108 and may as part of the show cause notice request the user to supply additional information.

### **§1106 - Termination of Permit**

Any user who violates the following conditions of this Local Law or a wastewater discharge permit or administrative order, or any applicable or State and Federal law, is subject to permit termination: (1) Violation of permit conditions or conditions of an administrative order, (2) Failure to accurately report the wastewater constituents and characteristics of its discharge, (3) Failure to report significant changes in operations or wastewater constituents and characteristics, (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling, or (5) Failure to pay administrative fines, fees or user charges. Non-compliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit. The user may, within fifteen (15) calendar days of the date the executive director mails such notification, petition the executive director to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the executive director by registered mail. The executive director shall then: (1) reject any frivolous petitions, (2) order the petitioner to show cause in accordance with Section 1108 and may as part of the show cause notice request the user to supply additional information.

### **§1107 - Water Supply Severance**

Whenever a user has violated or continues to violate the provisions of this law or an order or permit issued hereunder, the district may seek that water service from any municipality or entity having jurisdiction over such water usage to the user, be severed with service only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply with this Local Law.

### **§1108 - Show Cause Hearing**

The executive director may order any user appealing administrative remedies for violations of this Local Law to show cause, before the commissioners, why an enforcement action, initiated by the executive director, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the commissioners regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the commissioners why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in

accordance with Section 1110 of this Article. Service shall be made on a person designated in any permit, or to any known owner or officer of an owner that is an entity. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 1110. The commissioners may itself conduct the hearing, or may designate any of its members or any officer or employee of the district to conduct the hearing:

- (1) Issue, in the name of the commissioners, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings
- (2) Take the evidence,
- (3) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the commissioners for action thereon.

After the commissioners have reviewed the evidence and testimony, it may order the user to comply with the executive director's order or fine, modify the executive director's order or fine, or vacate the executive director's order or fine.

#### **§1109 - Failure of User to Petition the Executive Director**

In the event the executive director issues any administrative order, terminates the user's permit, or makes any fine as set forth in this article, and the user fails, within the designated period of time set forth, to petition the executive director, as provided in appropriate sections of this article, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

#### **§1110 – Notice**

The notices, orders, petitions, or other notification which the user or executive director shall desire or be required to give pursuant to any sections of this Local Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the user pursuant to the sections of this Local Law shall be mailed to the user where the user's effluent is discharged into transmission lines to the POTW. Any notice, petition, or other communication mailed to the executive director shall be addressed and mailed to the district.

**§1111 - Right to Choose Multiple Remedies** The Executive director shall have the right, within the executive director's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The executive director may utilize more than one administrative remedy established pursuant to this Article, and the executive director may hold one show cause hearing combining more than one enforcement action.

**§1112 - Civil Actions For Penalties** Any person who violates any of the provisions of or who fails to perform any duty imposed by this Local Law, or any administrative order or determination of the executive director promulgated under this law, or the terms of any permit issued hereunder, shall be liable to the district for a civil penalty not to exceed five

thousand dollars (\$5000) for each such violation, to be assessed after a hearing (unless the user waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the district at the request of the executive director or the commissioners in the name of the district, in any court of competent jurisdiction giving preference to courts local to the district. In addition to the above described penalty, the executive director may recover all damages incurred by the district from any persons or users who violate any provisions of this Local Law, or who fail to perform any duties imposed by this Local Law or any administrative order or determination of the executive director promulgated under this Local Law, or the terms of any permit issued hereunder. In addition to the above described damages, the executive director may recover all reasonable attorney's fees incurred by the district in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the executive director may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require. Such civil penalty may be released or compromised by the executive director before the matter has been referred to the counsel for the District, and where such matter has been referred to counsel for the district, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by counsel for the district, with the consent of the executive director or chair of the commissioners.

### **§1113 - Court Orders**

In addition to the power to assess penalties as set forth in this Article, the executive director shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit, or
- (2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by counsel for the District, at the request of the executive director or chair of the commissioners, in the name of the district, in any court of competent jurisdiction giving precedence to courts local to the district.

Counsel for the district, at the request of the executive director or chair of the commissioners shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

### **§1114 - Criminal Penalties**

Any person who willfully violates any provision of this Local Law or any final determination or administrative order of the executive director made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Local Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both. No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

### **§1115 - Additional Injunctive Relief**

Whenever a user has violated or continues to violate the provisions of this law or permit or order issued hereunder, the executive director, through counsel may petition the Court, in the name of the district, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the executive director.

### **§1116 - Summary Abatement**

Notwithstanding any inconsistent provisions of this Local Law, whenever the executive director finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the executive director, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the executive director may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the executive director may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Executive director shall provide the user an opportunity to be heard, in accordance with the provisions of this Article. If the user is not within the geographic boundaries of the district the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement. The executive director, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that

may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

**§1117 - Delinquent Payments**

If there shall be any payments which are due to the district pursuant to any Article or Section of this Local Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the district, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing. In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the executive director shall report the names of the defaulting persons to the county treasurer in accordance with applicable law and such sums due shall be a lien on the property in the same manner as real property taxes due and owing to the county are collected.

**§1118 - Performance Bonds**

The executive director may decline to reissue a permit to any user which has failed to comply with the provisions of this Local Law or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the executive director to be necessary to achieve consistent compliance.

**§1119 - Liability Insurance**

The executive director may decline to reissue a permit to any user which has failed to comply with the provisions of this Local Law or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

**ARTICLE 12 Charges**

**§1201 - Normal Sewage Service Charges**

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge as may be set forth in the district documents where the property is located.

**§1202 - Surcharge for Abnormal Sewage**

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.

**§1203 - Billing Period**

The billing period shall be as set forth in the district formation documents for individual districts and shall be as determined by permit for industrial users.

### **§1204 - Pretreatment Program & Industrial User Costs**

The additional charges and fees associated with the operation of the pretreatment program and/or administration of industrial users shall be assessed to the user, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) costs of engineering and third-party review
- (6) reviewing accidental discharge procedures
- (7) construction inspections
- (8) filing appeals
- (9) application for consistent removal status as outlined in 40 CFR 403; and
- (10) other reasonable expenses to carry out the program to satisfy the requirements of this Local Law, the NYSDEC, and the Federal government.

### **§1205 - Charges for Trucked and Hauled Wastes**

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the commissioners. The manner of determining the volume dumped shall be at the discretion of the executive director.

### **§1206 - Collection of Charges**

Charges shall be billed and collected in accordance with the applicable provisions of the County Law and/or the General Municipal Law, or any other applicable law, of the State of New York.

### **§1207 - Impact Fees**

The Commissioners shall have the authority to impose impact fees on new development, which development may:

- (1) - cause enlargement of the service area of the POTW
- (2) cause increased hydraulic and/or treatment demands on the POTW.

## **ARTICLE 13 Conflicts, Severability, Effective Date And Applicability**

### **§1301- Conflicts**

The provisions of any law of the County of Washington in conflict with any provision of this Local Law are hereby repealed.

### **§1302- Severability**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the

person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§1303 – Repealer**

Local Law 1 of 1990 is hereby repealed and replaced with this Local Law.

**§1304- Effective Date**

This law shall take immediately after its filing in the office of the Secretary of State.

**Appendix A  
WCSD #1 Concentration Limits  
Substance**

**Maximum Concentration  
of Discharge Allowed into  
POTW  
(milligrams per liter)**

Antimony	10
Ammonia	40
Arsenic	0.25
Benzine	0.1
Boron	5.0
Cadmium	0.25
Calcium	500
Chloroform	1.0
Chromium, total	1.0
Copper	1.0
Cyanide, total	3.0
Ethylbenzene	0.1
Iron	5.0
Lead	2.66
Manganese	5.0
Mercury	0.001
Methylene Chloride	1.0
Naphthalene	1.0
Nickel	2.34
Oil and grease	50
pH (range)	6.0 to 9.0 S.U.
Phenols	5.0
Silver	0.2
Toluene	0.1
1,1,1-Trichloroethane	1.0
Xylene	0.1
Zinc	1.5